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**Sent:** 10/5/2021 2:50:32 PM  
**To:** Gray, David [gray.david@epa.gov]  
**CC:** Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** ACTION: Region 6 Weekly Update October 5

David, the draft Weekly is below.

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## **R6 Weekly Update October 5, 2021**

### **Section 1: N/A**

### **Section 2: Regional Administrator Signature Items (R6 POC: David Gray, 214-789-2619).**

- **Ozone Nonattainment Area, Sunland Park, New Mexico:** By **October 6**, R6 intends to propose revisions to the New Mexico SIP to meet the Emissions Inventory and Emissions Statement requirements for the Sunland Park ozone nonattainment area, New Mexico, for the 2015 8-hour ozone NAAQS.
- **SIP Revision, Rusk-Panola, Texas:** By **October 13**, R6 intends to file comments on Texas's proposed SO<sub>2</sub> attainment SIP for the nonattainment area in the vicinity of the Martin Lake power plant. The SIP addresses the requirements of Clean Air Act Subtitle D's nonattainment area planning requirements. R6 has discussed several concerns with the proposed SIP with the Texas Commission on Environmental Quality.
- **SIP Revisions, Oklahoma:** By **October 15**, R6 approval of revisions to the Oklahoma SIP to update general provisions definitions and incorporation by reference provisions.

### **Section 3: Hot Topics**

#### **Major policy, regulatory, compliance, or enforcement activities**

- **Denka Performance Elastomers, LaPlace, Louisiana:** On **September 24**, Denka Performance Elastomers notified EPA that, due to the impacts from Hurricane Ida, it cannot commit to commencing fenceline monitoring by October 14. On September 14, HQ OAR and OECA jointly approved Denka's proposed monitoring protocol and required that Denka commence fenceline monitoring within 30 days. EPA continues to monitor the ambient air around Denka's neoprene manufacturing facility through OECA's Continuous Air Monitoring Program (SPod) and publishes the chloroprene data on its public website. On September 24, there was one dynamically triggered canister at Chad Baker and one triggered canister at Ochsner Hospital (trigger method unknown and to be verified during next site visit). On September 25, there were two dynamically triggered canisters at Chad Baker and Acorn and Hwy 44. On September 26, there was one dynamically triggered canister at East St. John the Baptist High School.
- **Pawnee Nation, Oklahoma:** On **October 5**, EPA will file the Certified Index to the Administrative Record in the 10<sup>th</sup> Circuit Court of Appeals for the litigation involving the Pawnee Nation of Oklahoma's petition for review of EPA's October 1, 2020 action approving the State of Oklahoma's request under SAFETEA.
- **Industrial Flyovers, Louisiana:** On **September 29**, R6 sent 15 Notification of Observed Emission letters to industrial facilities which had been part of the flyover survey across the state of Louisiana. The goal of the flyover survey is to determine the presence of significant unauthorized or underreported emissions of VOCs and HAPs. The flyovers surveyed 159 facilities, 4441 tanks, 210 flares, and 51 other sources. Leaks were detected at 35 facilities from 84 discrete sources.

- **Blue Marlin Offshore Port, Cameron Parish, Louisiana:** By **October 7**, R6 expects issue a letter to Blue Marlin Offshore Port regarding completeness of the PSD permit application. Blue Marlin proposes a crude oil export deep water port approximately 82 statute miles off the coast of Cameron Parish, Louisiana.
- **PFAS, New Mexico and Oklahoma:** On **September 28**, Oklahoma Secretary of Energy & Environment sent a comment letter to the Administrator relating to the State of New Mexico's request for listing PFAS compounds under RCRA. Oklahoma recommends that EPA develop a multi-faceted, phased approach that first focuses on the waste streams of greatest concern. On **September 21**, EPA responded to New Mexico's petition requesting the listing of PFAS as a class of chemicals within RCRA Subpart C; or in the alternative, to list individual PFAS chemicals under RCRA. The response acknowledged shared concerns and that information provided is being reviewed along with constructive discussions with New Mexico Environment Department Secretary Kenney.
- **Public Water Supply Supervision Grant, Texas:** On **September 23**, R6 and the Texas Commission on Environmental Quality (TCEQ) resolved a disagreement on the state's use of Public Water Supply Supervision funds for compliance sampling/monitoring activities. R6 and TCEQ filed an executed settlement agreement with the Dispute Decision Official, acknowledging the grant conditions and TCEQ's agreement to refrain from using PWSS grant funds in this manner in the future unless/until a change in the applicable law or EPA's interpretation of the law.
- **Shell Chemical, Norco, Louisiana:** R6 met with Shell Chemical, Norco, Louisiana, on **September 28** to discuss facility status. Shell Chemical plans to submit a request for enforcement discretion to both LDEQ and HQ-OECA. Shell indicated that the facility is still not operating due to extensive damage from Hurricane Ida. Shell had 60% power restored to the facility and are slowly bringing units back online. Significant smoking of the flare occurred when the facility lost power at landfall, and was exacerbated because they did not have power to supply steam to the flare. Smoking is now intermittent, and flares are operating, supplemented with natural gas, but processes are still down. Passive benzene fenceline monitoring was uninterrupted, and the company indicated that they did not have any elevated benzene readings.
- **Los Alamos National Laboratory, Los Alamos, New Mexico:** R6 plans to send a letter to DOE Los Alamos National Laboratory in New Mexico, asking DOE to resubmit their application for the tritium venting project due to changed conditions, asking DOE to conduct Tribal consultation on the project, and stating that R6 will conduct Tribal consultation on EPA's actions related to the project.

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

- **Phillips 66 Borger Refinery, Hutchison County, Texas:** By **October 6**, R6 expects to sign an informational Federal Register Notice regarding the petition Order signed by the Administrator on September 22, granting in part and denying in part a petition for objection of the title V permit for the Phillips 66 Borger Refinery located in Hutchison County, Texas. EPA is granting on multiple claims related to monitoring and incorporation of permits by rule.
- **Churchill Downs, New Orleans, Louisiana:** The Motion to Enter the consent decree with Churchill Downs Louisiana Horseracing, New Orleans, Louisiana, was filed on **September 27**. The CD will be effective when entered by the court. Under the settlement, Churchill Downs will eliminate unauthorized discharges of manure, urine and process wastewater through operational changes and construction projects at an estimated cost of \$5,600,000. The company also will pay a civil penalty of \$2,790,000, the largest ever paid by a concentrated animal feeding operation in a CWA matter.
- **Firestone Polymers, Lake Charles, Louisiana:** On **September 30**, DOJ, on behalf of EPA and the Louisiana Department of Environmental Quality, lodged a Consent Decree to resolve claims against Firestone Polymers, LLC, for violating federal and state requirements during the production of styrene-butadiene rubber and polybutadiene rubber at its synthetic rubber manufacturing facility in Lake Charles, Louisiana. The consent decree requires injunctive relief and civil penalties for violations of the CAA, CERCLA, Pollution Prevention Act, and the Louisiana state air pollution control requirements. The decree also provides for payment of a total civil penalty of \$3,350,000, (\$2,098,678.50 payable to U.S. and \$1,251,321.50 to Louisiana), performance of injunctive relief, a mitigation project, and a Beneficial Environmental Project.

- **WTG Gas Processing, L.P., et al., Multiple Cities, Texas:** On September 30, DOJ, on behalf of EPA, lodged a Consent Decree with WTG Gas Processing, L.P. and its subsidiaries to resolve violations of CAA 112(r) stemming from two fatal chemical accidents and accident prevention program violations. The violations concern both the Chemical Accident Prevention Provisions in 40 C.F.R. Part 68 and the General Duty Clause of the CAA. These violations took place at eight natural gas processing plants run by WTG and its subsidiaries located throughout the state of Texas. To resolve these violations, WTG and its subsidiaries will pay a civil penalty of \$3.125 million as well as spend up to \$5 million on compliance measures.
- **Union Pacific Railroad, Houston, Texas:** On September 28, R6 met with TCEQ to discuss draft comments on the proposed permit for Union Pacific Railroad site near Kashmere Gardens community in Houston, Texas. TCEQ was receptive to the comments and is aware that EPA plans to submit formal comments during the public comment period. The public comment period has been extended until a second public meeting is held, the date of which is still to be determined due to Covid-19 concerns. R6 is working with the City of Houston and the community to schedule one or two small roundtable technical meetings during which R6's contractor would give an abbreviated version of its technical presentation.
- **Globe Union, Garland, Texas:** Removal activities continue at the Globe Union site in Garland, Texas. All excavation and backfill operations have been completed at Park Crest School. Backfilling operations will continue at residential properties, as will disposal of contaminated soils. R6 does not plan to begin any new residential excavation operations and will focus on disposal and property restoration activities until after September 30. R6 is conducting air monitoring at the perimeter of excavation work zones, with no measurements exceeding the site specific allowable particulate levels at any of the excavation work zones to date.
- **Texas Vermiculite, Dallas, Texas:** R6 signed the Administrative Order on Consent covering both the assessment and removal for the Texas Vermiculite site in Dallas, Texas. The Responsible Party, W.R. Grace will begin seeking access agreements from property owners within the areas of investigation for the purpose of sampling to determine if asbestos is present in the soil. R6 anticipates mailing out fact sheets about the removal activities as early as October 1.

## Ex. 5 DP / Ex. 7(A)

- **Homestake Mining Company, Cibola County, New Mexico:** On September 30, R6 made a decision on the five-year review and protectiveness determination for the Homestake Mining Company Superfund Site in Cibola County, New Mexico. R6 deferred protectiveness until a reassessment of risk is completed for radon in ambient air in neighboring subdivisions, based on new toxicological information and the use of EPA's updated electronic calculator for assessing risk at radionuclide sites. This work will be completed and documented in an amendment to the FYR report in approximately one year.
- **Nustar Energy, Hampton, Arkansas:** On September 23, Approximately 200 residents were evacuated after a heavy equipment operator struck a 10-inch underground pipeline containing anhydrous ammonia, owned and operated by Nustar Energy in Hampton, Arkansas. The flow to the pipeline was shut down remotely by Nustar Energy quickly, and the pipeline valves on either side of the breach were manually closed as well. Arkansas Department of Transportation reported the closure of approximately 3.5 miles of Highway 278 due to the ammonia release. An R6 On-Scene Coordinator and technical assistance contractors deployed to provide air monitoring and technical support, as requested by the State of Arkansas and local responders. The evacuation order was lifted on September 24 as air monitoring showed acceptable levels within the impacted areas of the communities. Nustar has since repaired the pipeline.
- **Calgary Energy LLC, Collinsville, Oklahoma:** R6 intends to deny at least two of four Underground Injection Control (UIC) permits for Calgary Energy in the Tidal Osage Fields I and II in Osage County, Oklahoma, and require that two be plugged and abandoned. Any permits issued in the tidal field will include injection volume restrictions and more stringent testing and monitoring on wells with fluid levels above

underground source of drinking water depth as well as other requirements. R6 is awaiting data on injection volume inputs and outputs from the fields to understand the formation pressure dynamics to move forward with any actions. With public notice and a Tribal consultation, this action could take three to six months.

- **Phillips 66 Bluewater Texas, Port Aransas, Texas (Offshore):** On **September 27**, R6 provided a comprehensive briefing for the OAR senior leadership team on historical and current perspectives relating to the Subpart Y applicability issues for all deep water port projects, and is now working on blueprints for all 112(g) projects regarding a path forward, depending on each current project's status. The context of public comments received on the Phillips 66 Bluewater Texas project, offshore of Port Aransas, Texas, were a part of the leadership team briefing. R6 is reviewing and sorting the numerous and robust comments received on the draft Notices of MACT Approval (NOMA) and draft permits.

#### **Major events, emergencies/incidents, or meetings**

- **National Energy Advisory Team:** On **September 27**, R6 hosted the National Energy Advisory Team biweekly meeting, which included an update on the STRONGER MOU development, the IOGCC annual conference and the IOGCC-EPA Taskforce meeting as well as member led topics. Additionally, the team discussed the upcoming REGROW Act which covers abandoned/orphaned wells.
- **Circle Court Ground Water Plume, Willow Park, Texas:** On **September 28**, R6 held a virtual public meeting to present the proposed remedy and receive comments and answer questions for the proposed plan for Circle Court Ground Water Plume site in Willow Park, Texas. The proposed interim remedy of soil vapor extraction in the source area addresses trichloroethene contamination in the vadose zone. There were approximately 22 attendees, of which 13 were local citizens and stakeholders. The meeting was also attended by TCEQ and Texas Department of State Health Services. No local media or state/local government attended.
- On **October 6**, Arkansas Environmental Federation Convention (virtual).
- On **October 12**, Environmental Federation of Oklahoma annual meeting.
- Individual tribal consultations scheduled with Quapaw Nation (**Oct. 13**); Muscogee Creek Nation (**Oct. 13**).

#### **Section 4: N/A**